

### **REMARKS**

The Examiner's indication of allowable subject matter is noted with appreciation.

Claims 1-6, 8, 10-15 and 17-24 are pending in the application. Claims 7, 9, and 16 have been cancelled without prejudice or disclaimer. New claims 21-24 have been added to provide Applicants with the scope of protection to which they are believed entitled. No new matter has been introduced through the foregoing amendments.

The 35 U.S.C. 101 rejection of apparatus claims 1-6 as encompassing software *per se*, i.e., non-patent-eligible subject matter is noted. Applicants respectfully traverse the rejection because the claimed apparatus is connected to a network access unit and a network to be protected. See the preamble of claim 1. Software *per se*, without any hardware, cannot be so connected to a network access unit and/or a network to be protected. Thus, the claim limitation that the claimed apparatus is connected to a network access unit and a network to be protected necessarily defines the apparatus in terms of hardware, rather than software *per se*.

Withdrawal of the rejection is now believed appropriate and therefore respectfully requested.

The 35 U.S.C. 101 rejection of method claims 7-20 under *In re Bilski* is also noted. Applicants respectfully traverse the rejection because at least the "machine" prong of the *In re Bilski* machine or transformation test has been satisfied in the claimed methods, i.e., "said method being performed by an apparatus which is connected between a network access unit and a network to be protected." The recited "apparatus" is particular and includes hardware as discussed above with respect to claims 1-6. Therefore, the claimed method is tied to a particular hardware apparatus and is, hence, patent-eligible subject matter under the machine or transformation test.

Withdrawal of the rejection is now believed appropriate and therefore respectfully

requested.

The art rejections are also noted. Although Applicants do not necessarily agree with the Office's position, amendments have nevertheless been made solely for the purpose of expediting prosecution. Specifically, allowable claims 13, 15, 17 have been rewritten in independent form including all limitations of base claim and any intervening claims. Claim 1 has been amended to include features of allowable claim 13. Accordingly, Applicants respectfully submit that all pending claims, including the new claims, now include the indicated allowable subject matter.

Withdrawal of the rejection is now believed appropriate and therefore respectfully requested.

All claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,  
LOWE HAUPTMAN HAM & BERNER, LLP

/Yoon S Ham/  
Yoon S. Ham  
Registration No. 45,307

Serial No. 10/535,455

USPTO Customer No. 22429  
1700 Diagonal Road, Suite 310  
Alexandria, VA 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
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YSH/KL/jr